

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) Cr. No. 15-10338-FDS
 v.)
)
 OSCAR NOE RECINOS-GARCIA,)
 A/K/A "PSYCHO," ET AL.)
 Defendants.)

STATUS REPORT REGARDING DISCOVERY

Pursuant to the Court's Order, dated April 27, 2016, the government provides the following status report regarding discovery.

On June 20, 2016, following the June 2, 2016 status conference, the government met with defense counsel Joan Griffin and John Cunha (representing all defense counsel) to discuss the Global Discovery in this case (the "June 20 Meeting"). The government advised defense counsel that it was preparing a Recordings Discovery Index to aid the defense in reviewing Global Discovery. The Recordings Discovery Index will address the following: (1) the audio and/or audio/video recordings made by CW-1 and (2) the summaries and/or transcripts of the same. The index is designed to assist the defense in reviewing the discovery more efficiently and prioritizing translation decisions. The government also advised defense counsel at the June 20 Meeting that it was compiling a Telephone Number Index

of known telephone numbers of the defendants in this investigation.

The government anticipates providing all defense counsel with the Recordings Discovery Index and the Telephone Number Index by August 1, 2016, reserving the right to supplement or revise these indices as the case progresses.

The Recordings Discovery Index will include all of the audio and audio/video recordings made by CW-1, including, *inter alia*, those in CW-1's car, MS-13 clique meetings, controlled buys, and protection details. The Recordings Discovery Index will include: (1) the date of the recording; (2) the identities of the individuals that the government has to date identified in the recording; (3) and the FBI identification number of the recording, which appears in the Global Discovery index, and which will enable the defense to easily locate the particular recording in the Global Discovery. The Recordings Discovery Index will also include a column indicating the following: (1) whether the government has produced a transcript or summary of any portion of the recording; (2) whether the government is in the process of preparing a transcript or summary of any portion of the recording; or (3) whether the recording is currently in the queue for a transcript or summary.¹

¹ The government has identified certain recordings that it is prioritizing for transcription so it will be able to identify

The government has provided a number of defense lawyers with individualized discovery containing what the government views as the key evidence against their particular client. The government has also met with a number of defense lawyers and discussed the evidence against their respective clients. The government has, and is continuing to produce, certain categories of early Jencks. There are certain categories of Jencks that the government cannot disclose at this stage of the case due to safety concerns for witnesses and their respective families, both in the United States and abroad.

The government made its last rolling production (Global Discovery 3) approximately three weeks ago. The government anticipates making its next rolling production the week of July 18, 2016. The government anticipates, and proposes, completing its rolling production of pre-indictment discovery by early September 2016, rather than by the July 28, 2016, deadline agreed to by the government at June 2, 2016, status conference. The additional time for completion of this phase of discovery will enable the government to compile the above indices and continuing producing individualized discovery.

those recordings in that group that are either in the process of being transcribed or in the queue for transcription.

The government anticipates seeking a superseding indictment in this case within the next 45 days. The government anticipates that the superseding indictment will charge additional defendants, as well as add additional charges against existing defendants. The government therefore requests an extension of the time to provide automatic disclosures pursuant to Local Rule 116.1(c) until August 19, 2016.

Respectfully submitted,

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July 1, 2016

CERTIFICATE OF SERVICE

I, Rachel Y. Hemani, hereby certify that the foregoing was filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Rachel Y. Hemani
Rachel Y. Hemani
Assistant U.S. Attorney

July 1, 2016